

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DVL, INC. and DVL KEARNY HOLDINGS,
LLC,

Plaintiffs,

v.

CONGOLEUM CORPORATION and BATH
IRON WORKS CORPORATION,

Defendants.

Civil Action No. 2:17-cv-04261 (KM) (JBC)

Document Electronically Filed

**NOTICE OF SUGGESTION OF PENDENCY OF
BANKRUPTCY AND AUTOMATIC STAY OF PROCEEDINGS**

PLEASE TAKE NOTICE that on July 13, 2020 (the “Petition Date”), Defendant Congoleum Corporation (“Congoleum” or “Debtor”), named defendant in the above-captioned action, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the “Bankruptcy Code”), in the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”). Congoleum’s Chapter 11 case is now pending before the Honorable Michael B. Kaplan, Chief Judge, under the case number 20-18488-MBK.

PLEASE TAKE FURTHER NOTICE that in accordance with the automatic stay imposed by Section 362 of the Bankruptcy Code, from and after the Petition Date no cause of action arising prior to the Petition Date or relating to the period prior to the Petition Date may be commenced or prosecuted against the Debtor, and no related judgment or order may be entered or enforced against the Debtor, outside of the Bankruptcy Court without the Bankruptcy Court first issuing an order lifting or modifying the automatic stay. Section 362 of the

Bankruptcy Code provides, in part, that the filing of a Chapter 11 petition operates as a stay of “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [Chapter 11], or to recover a claim against the debtor that arose before the commencement of the case under [Chapter 11],” and “any act to collect, assess, or recover against the debtor that arose before the commencement of the [bankruptcy] case” 11 U.S.C. §§ 362(a)(1) & (6). Accordingly, the above-captioned action may not be prosecuted, and no valid judgment or order may be entered or enforced, against Congoleum.

PLEASE TAKE FURTHER NOTICE that additional information regarding the status of the Debtor’s Chapter 11 case may be obtained by reviewing the docket of the Chapter 11 cases, available electronically at <https://cases.primeclerk.com/congoleum/> and <https://ecf.njb.uscourts.gov/> (PACER login and password required), or by contacting counsel for the Debtor: Cole Schotz P.C., Court Plaza North, 25 Main Street, Hackensack, New Jersey 07601, (201) 489-3000 (Attn: Warren A. Usatine, Esq.).

Dated: July 15, 2020

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